

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**CHAMBERS OF
JOEL SCHNEIDER
UNITED STATES MAGISTRATE JUDGE**

**MITCHELL H. COHEN COURTHOUSE
1 John F. Gerry Plaza, Room 2060
CAMDEN, NJ 08101-0887
(856) 757-5446**

**LETTER ORDER
ELECTRONICALLY FILED
February 8, 2010**

Debora A. O'Neill, Esquire
Meyerson & O'Neill
1700 Market Street
Suite 3025
Philadelphia, PA 19103

David J. Cooner, Esquire
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07101

**Re: Munion, et al. v. AMO
Civil No. 07-5377 (JHR/JS)**

Dear Counsel:

This Letter Order addresses in part plaintiffs' request for "defendants' expert deposition transcripts, exhibits and reports for a particular list of designated defense experts in the California litigation." See plaintiffs' December 4, 2009 letter at 2, Doc. No. 104. The parties have already filed letter briefs on the issue. Defendants object to producing the requested materials before they formally identify their trial experts.

Plaintiffs' expert reports are currently due on March 1, 2010. See January 25, 2010 Scheduling Order ¶1, Doc. No. 109. By February 15, 2010, plaintiffs are ORDERED to identify the names of their trial experts and produce a copy of their C.V.'s with a general description of the subject matter of the experts' reports. By March 8, 2010, defendants are ORDERED to produce the same information for their trial experts. Defendants are further ORDERED to produce by March 8, 2010, the requested deposition transcripts with exhibits, reports and interrogatory responses regarding their trial experts. Defendants concede this information is discoverable. See defendants' Opposition Brief at 2, Doc. No. 106; February 5, 2010 Letter Brief at 1, Doc. No. 111. Defendants' expert reports shall be served by April 1, 2010. [Doc. No. 109].

February 8, 2010

Page 2

Given the age of the case, the sophistication of the parties and their counsel, and other relevant facts, the Court is confident that by at least as early as March 8, 2010, defendants will have identified their trial experts. The Court Orders the requested materials to be produced by March 8, 2010 so as not to delay plaintiffs' possible service of rebuttal expert reports. The Court grants plaintiffs leave to serve rebuttal expert reports by April 12, 2010. The deadline for expert depositions remains May 3, 2010.

By April 12, 2010, the parties are ORDERED to serve the Court with a joint letter identifying the names and dates of all expert depositions. The Court intends to get this case ready for trial without any further delay.

If after March 8, 2010 plaintiffs request documents concerning defendants' non-testifying experts, they shall identify the requested discovery in a letter to the Court. The Court will thereafter decide the issue of whether the requested material should be produced. Defendants frame the issues as whether "AMO should ... have to provide expert discovery concerning any experts that will not testify in this matter." See Opposition at 9. No further briefs on the issue to be decided are necessary.

Nothing in this Order excuses the parties from timely complying with the expert disclosure requirements in Fed. R. Civ. P. 26(a)(2).

Very truly yours,

s/Joel Schneider

JOEL SCHNEIDER
United States Magistrate Judge

JS:jk

cc: Hon. Joseph H. Rodriguez